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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/474,216	12/29/1999	OLEG B. RASHKOVSKIY	INTL-0319-US	2005

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EXAMINER

NALEVANKO, CHRISTOPHER R

ART UNIT PAPER NUMBER

2611

DATE MAILED: 01/16/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

FN

Office Action Summary

Application No.

09/474,216

Applicant(s)

RASHKOVSKIY, OLEG B.

Examiner

Christopher R Nalevanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☐ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

- 1 Claims 1-30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The Applicant fails to distinguish the “first video transmission” from the “second video transmission” in the Claims, and seems to switch their meaning multiple times. It is unclear what signals in the specifications the “first video transmission” and the “second video transmission” are specifically referring to.

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 12-13, 24-25, and 27 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. The Applicant fails to specifically describe the storing of the video in a “first in last out memory.” Furthermore, this operation appears to work opposite to what would be expected since it seems as though the video would be replayed in reverse, as opposed to showing the event and time before the event in the logical sequence.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

The following art rejections are applied to applicant's claims or best understood in view of the problem under 112 second paragraph as discussed above.

3. Claims 1-5, and 11 are rejected under 35 U.S.C. 102(a) as being clearly by De Saint Marc.

Regarding Claim 1, De Saint Marc shows a method for receiving video transmissions comprising monitoring a first video transmission while a receiver is tuned to receive a second transmission, generating a notification when a predetermined event occurs during the first video transmission, and enabling the display of a portion of the second transmission before the event occurred (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49).

4. Regarding Claim 2, De Saint Marc further shows that the second transmission is a television broadcast (col. 2 lines 3-9, 22-32).
5. Regarding Claim 3, De Saint Marc further shows a notification produces an on-screen prompt on a display that displays the video transmission (col. 3 lines 11-49).
6. Regarding Claim 4, De Saint Marc further shows the ability of automatically switching the receiver to the video transmission in response to a user command in response to said prompt (col. 3 lines 11-49, col. 9 lines 30-58).

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7. Regarding Claim 5, De Saint Marc further shows the ability to automatically switching to the other video transmission by activating a button on a remote control (col. 3 lines 11-49, col. 9 lines 30-58).
8. Regarding Claim 11, De Saint Marc further shows that the video transmissions can be stored (col. 2 lines 22-32, col. 8 lines 2-4).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The following art rejections are applied to applicant's claims or best understood in view of the problem under 112 second paragraph as discussed above.

9. Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc in further view of Morrison et al.

Regarding Claims 6 and 18, De Saint Marc fails to show the indication showing the amount of time remaining in the video transmission can be displayed. Morrison shows a system where the remaining time of a program can be displayed (col. 1 lines 15-30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc the ability of Morrison in order to inform the user of the remaining time of a broadcast.

10. Claims 8-10, 20-22, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc in further view of Menard.

Regarding Claim 8, De Saint Marc fails to show the ability to monitor the words spoken in the transmission. Menard shows the ability to use "voice or pattern recognition techniques" to monitor the audio or video (page 4 lines 9-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc with the voice recognition of Menard to provide multiple methods of determining if a set event had occurred.

11. Regarding Claim 9, De Saint Marc fails to show the ability to monitor the closed caption script that accompanies the transmissions. Menard does show the ability to monitor the closed caption information of a transmission (page 3 lines 22-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc with the ability to monitor closed caption information of Menard to provide multiple methods of determining if a set event had occurred.
12. Regarding Claims 10 and 22, De Saint Marc fails to show a list of a plurality of events, allowing the user to select an event and generating the notification when the event occurs. Menard shows the use of a personal profile to store different events and the corresponding action that takes place when the event occurs (page 9 lines 11-28). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of De Saint Marc with the ability to create an event profile of Menard in order to supply the user with the ability to customize the events that trigger an alert.

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13. Regarding Claim 20, De Saint Marc fails to show the ability to monitor the words spoken in the transmission. Menard shows the ability to use “voice or pattern recognition techniques” to monitor the audio or video (page 4 lines 9-11). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc with the voice recognition of Menard to provide multiple methods of determining if a set event had occurred.
14. Regarding Claim 21, De Saint Marc fails to show the ability to monitor the closed caption script that accompanies the transmissions. Menard does show the ability to monitor the closed caption information of a transmission (page 3 lines 22-25). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify De Saint Marc with the ability to monitor closed caption information of Menard to provide multiple methods of determining if a set event had occurred.
15. Regarding Claim 29, De Saint Marc Fails to show the ability to collect information from the monitoring of the video transmission. Menard shows the ability to monitor the video transmission and creating databases to store relevant events (page 4 lines 21-33, page 5 lines 1-7). It would have been obvious to one of ordinary skill in the art at the time the invention was made modify the system of De Saint Marc with the ability to collect information of Menard so that relevant events could be stored for documentation.
16. Claims 14-17, 23, 26, 28, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over De Saint Marc.

Regarding Claim 14, De Saint Marc shows monitoring a first video transmission while a receiver is tuned to receive a second transmission, generating a notification when

a predetermined event occurs during the first video transmission, and enabling the display of a portion of the second transmission before the event occurred (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49) and also shows the use of a medium for storing instructions that cause a processor-based system to carry out the majority of the functions (col. 6 lines 47-57, col. 7 lines 17-33, see figures 2 and 3). De Saint Marc fails to show that the entire system is run by the processor system (though De Saint Marc does show a person monitoring the data feeds and pressing a button when a specified event occurs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fully automate the system of De Saint Marc with computer software to alleviate the need for a person to monitor the video feeds and inject an event signal.

17. Regarding Claim 15, De Saint Marc further shows a notification produces an on-screen prompt on a display that displays the video transmission (col. 3 lines 11-49, col. 8 lines 27-57).
18. Regarding Claim 16, De Saint Marc further shows the ability of automatically switching the receiver to the video transmission in response to a user command in response to said prompt (col. 3 lines 11-49, col. 9 lines 30-58).
19. Regarding Claim 17, De Saint Marc further shows the ability to automatically switching to the other video transmission by activating a button on a remote control (col. 3 lines 11-49, col. 9 lines 30-58).
20. Regarding Claim 23, De Saint Marc further shows that the video transmissions can be stored (col. 2 lines 22-32, col. 8 lines 2-4).

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21. Regarding Claim 26, De Saint Marc shows monitoring a first video transmission while a receiver is tuned to receive a second transmission, generating a notification when a predetermined event occurs during the first video transmission, and enabling the display of a portion of the second transmission before the event occurred (col. 2 lines 3-9, 22-32, 34-40, col. 3 lines 11-49) and also shows a processor-based system comprising a processor, a video receiver coupled to the processor, storage coupled to the processor, and application software, or a program, to execute instructions (col. 6 lines 47-57, col. 7 lines 17-59, col. 8 lines 1-43, see figures 2 and 3). De Saint Marc fails to show that the entire system is run and monitored by the processor system (De Saint Marc does show a person monitoring the data feeds and pressing a button when a specified event occurs). It would have been obvious to one of ordinary skill in the art at the time the invention was made to fully automate the system of De Saint Marc with computer software to alleviate the need for a person to monitor the video feeds and inject an event signal.
22. Regarding Claim 28, De Saint Marc further shows the ability to select the first or second transmission for viewing after the portion of the event has been displayed (col. 3 lines 11-37, col. 9 lines 30-58, col. 10 lines 1-40).
23. Regarding Claim 30, De Saint Marc further shows the use of a remote control (col. 9 lines 54-56).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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Kelly et al. U.S. Patent No. 5,907,322 discloses a television event marking system.

Kerman U.S. Patent No. 5,659,366 discloses a notification system for television receivers.

Lert, Jr. et al. U.S. Patent No. 4,230,990 discloses a broadcast program identification method and system.

Harrison U.S. Patent No. 5,867,205 discloses a method and apparatus for controlling a/v and channel selection for a communication signal based on textual information indicative of channel contents of a signal.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher R Nalevanko whose telephone number is 703-305-8093. The examiner can normally be reached on M-F 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on 703-305-4380. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

Christopher Nalevanko
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cn
January 13, 2003


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